

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

L.I.S.T., INC., On Behalf of Itself and All Others Similarly Situated,	:	Civil Action No. 7:05-CV-02189-CM
Plaintiff,	:	<u>ELECTRONICALLY FILED</u>
vs.	:	<u>CLASS ACTION</u>
VEECO INSTRUMENTS, INC., et al.,	:	
Defendants.	:	
ROY P. KERSHAW, Individually and On Behalf of All Others Similarly Situated,	:	Civil Action No. 7:05-CV-02929-CM
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
VEECO INSTRUMENTS, INC., et al.,	:	
Defendants.	:	

DECLARATION OF MARIO ALBA, JR. IN SUPPORT OF OPPOSITION OF NECA-IBEW
PENSION FUND (THE DECATUR PLAN) TO COMPETING MOTIONS FOR
APPOINTMENT AS LEAD PLAINTIFF AND TO APPROVE LEAD PLAINTIFF'S CHOICE
OF LEAD COUNSEL

I, Mario Alba, Jr., declare as follows:

1. I am an attorney duly licensed to practice before the courts of the State of New York.

I am associated with the law firm of Lerach Coughlin Stoia Geller Rudman & Robbins LLP, counsel for NECA-IBEW Pension Fund (The Decatur Plan) ("NECA"), and proposed lead counsel for the class. I make this declaration in support of the Opposition of NECA-IBEW Pension Fund (The Decatur Plan) to Competing Motions for Appointment as Lead Plaintiff and for Approval of Lead Plaintiff's Choice of Lead Counsel. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached are true and correct copies of the following exhibits:

Exhibit A: May 3, 2005 Letter to Judge Sidney Stein from Samuel H. Rudman;

Exhibit B: *Thompson v. Quest Software, Inc.*, Slip Op. (C.D. Cal. Oct. 23, 2003);

Exhibit C: *Yates v. Vimpel-Communications*, Slip Op. at 3, 5 (S.D.N.Y. Apr. 29, 2005); and

Exhibit D: Historical trading information of Veeco stock from November 1, 2003 to February 12, 2005.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5th day of May, 2005, at Melville, New York.

/S/ Mario Alba, Jr.

MARIO ALBA, JR.